

Town of Lamoine
Application for Variance or
Appeal to the Board of Appeals

Name of Appellant Timothy + Amanda Frost

Mailing Address 90 Lamoine Beach Rd.

City or Town Lamoine, ME 04605

Telephone ^{cell} ~~(Home)~~ 299-0154 (Work) 667-8578

Name(s) of Property Owner Timothy + Amanda Frost

The undersigned requests that the Board of Appeals consider one of the following:

 1. **An Administrative Appeal.** Relief from the decision, or lack of decision, of the Code Enforcement Officer or Planning Board in regard to an application for a permit. The undersigned believes that (check one):

 an error was made in the denial of the permit

 the denial of the permit was based on a misinterpretation of the ordinance

 there has been a failure to approve or deny the permit within a reasonable period of time

 other _____

Please explain in more detail the fact surrounding this appeal (please attach a separate piece of paper). You should be as specific as possible so that the Board of Appeals can give full consideration to your case.

☒ 2. **A Variance.**

a. Nature of Variance: Describe generally the nature of the variance.

See attached

In addition, a sketch plan of the property must accompany this application showing dimensions and shape of the lot, the size and locations of existing buildings, the locations

Nature of Variance:

The need for variance is our proposed building project does not meet the road setback from the Mill Rd. It will be 53' and 64' away (see attached) versus the required distance of 75'. We also feel The State of Maine Title 30-A: MUNICIPALITIES AND COUNTIES Part 2: Municipalities Subpart 6-A: PLANNING AND LAND USE REGULATION Chapter 187: PLANNING AND LAND USE REGULATION Subchapter 3: LAND USE REGULATION 4353: Zoning Adjustment 4-A. Disability variance; vehicle storage applies to the proposed addition as it is to be built for my Father and disabled Mother. We recognize that the proposed building is larger than this variance grants. However, we feel unique shape of our property, the setback being changed after our existing home was established and it being built for a permanently disabled family member granting a variance should be granted for this proposed building permit. We have attached signatures and a letter from neighboring homes as a sign of their approval of this proposal. We have looked at the real estate in Lamoine and the surrounding area, nothing fits us like the home we have built and created here at 90 Lamoine Beach Rd. Our alternative plan, is unreasonable for our needs. It would require the space to be built separately and not attached to our current home. Our driveway location would have to move to the Mill Rd therefore changing the main entrance and address. This would change the essential character of our home and not for the better in our opinion. The design itself would have to be redone and made smaller which then conflicts with the ability to make the space livable for my parents if my mother is restricted to a wheelchair. Thank you for taking the time to consider this project and a variance to make it happen.

Justification of Variance:

1.) The land in question could not yield a reasonable return unless the variance is granted.

Our existing home was placed on our property May 2010. At that time, it was well within the 50' set back from edge of road. In November 2011 (according to documentation we found) the set back changed to 75'. Our future plans of building a garage are no longer possible with the current set back, we did not find this out until we started the leg work for this project this year. Our proposed project includes an In-Law apartment for my parents Donald and Debra Clayton of Hamden, Maine. The proposed structure will not reasonably fit anywhere else on the property (the main reason for this apartment addition is to have our home handicap accessible and attached to our existing home). Proposed is a 31'x58' addition to our existing home to be placed over a portion of our driveway along the Mill Rd side of our land. Without a variance, grandfathering us from the current setback, we will not be able to make this home our forever home like we had intended when we purchased our land/mobile home initially in October 2007.

2.) The need for a variance is due to the unique circumstances of the property and not the general conditions of the neighborhood.

In May of 2010, our house was permanently set in a way that would allow for this addition to have been built in the future without question. If this ordinance had read as it currently does, we would have been able to position our home differently to have a complying setback for the property and our future plans of a garage. Our circumstance is unique as the shape of our property is triangular with roadways on each side making it extremely limiting when (measuring 75' from the center of the roadways, 25' from the property lines while maintaining a certain distance from our leach field/septic) it comes to any future additions under the current setback standards.

3.) The granting of a variance would not alter the essential character of the locality.

This variance would alter the character of the locality; this would be an improvement. This addition makes our house complete, it would appear less like a random house in the middle of a triangle and more like a completed structure. We have signatures from neighboring homes supporting this project for this exact reason. The variance in no way decreases privacy to our neighbors or is an eye sore for them to look at. Since the day we placed our home, we have received comments from neighbors and fellow citizens of Lamoine stating how great our home was coming together. Each year since, as we continue to develop our landscaping and finishing touches to our property the community still notices and comments. I feel the proposed addition would enhance the beauty of our spot and complete the look we have always wanted for our home. We are in an extremely visible location, when people drive by they take notice. I do not think this addition to our property would give anyone passing by and adverse reaction. We are a young family, we maintain our property, our children attend the school, I work at the school, and my husband is a member of the local law enforcement community. I feel our home and our family embody what the essential character of Lamoine is all about. By allowing this variance, we would be able to have a home with multigenerational living, while maintaining the essential character and physical appearance of our space.

4.) The hardship is not the result of action taken by the applicant or prior owner.

The hardship we face is not due to any action we have already taken. We are attempting to follow Town policies and live within the laws of the state and our community. This particular ordinance is causing a hardship and we understand that to be an action taken by the town due to the increase in volume of traffic created by additional pit usage. One of the hardships we ARE facing is due to the fact the ordinance changed after we built our existing home. When we placed our home with intentions of building a garage at a future date, the set back was 50'. In November of 2011, just 18 months after our house was set, the ordinance changed making our future plans/vision no longer possible. Living in Lamoine, on our property is essential to the lifestyle we are living and want to bring our boys up in. Our proximity to the school and the school grounds was the main reasoning behind our purchasing of this property in October 2007. We knew the lot size was small and uniquely shaped, but knew that we would have easy access to the fields and playgrounds the school has to offer. Never did we think that our future goals of having a garage added to our home wouldn't be possible due to our homes proximity to the road and property lines, the exact thing we loved about our spot "the fork in the road" is now working against us in being able to stay in this location forever.

Our proposed addition includes an in-law apartment that would be primary residence for my parents. My father Donald is a 3 time cancer survivor, currently in remission. My Mother Debra has been living with Multiple Sclerosis for 18+ years. As an adult, we all hope to be there for our parents in their time of need. It would be an honor to have my parents living under the same roof, their health is a major concern; there is a piece of mind that comes with having them here. This proposed addition is built to suit for a day when my mother might be bound to a wheelchair. My family and I love our home and our roles in this community. The idea of multi-generational living in our home here in Lamoine brings a great peace of mind as my parents continue to face challenges due to their illnesses. As a daughter it brings peace of mind knowing they would be cared for by family in their time of need versus being put into a residential facility. If their health ever called for such measures we would be able to provide for that care here and this current setback alone is the hardship we face to make that happen.

This proposed addition to our home has 3' door ways, all pass throughs are 3'. Egress windows, one level living, entry to our home can be made accessible by a ramp when the time

calls for it through the attached entryway. The shower is being installed with a low to no step for easy handicap accessibility. All features of this home accommodate the changes that will come as my mother's MS continues to take over her body. Medical records can be provided upon request. We have attached a letter from my parents' physicians that touches on their current medical condition.

April 5, 2017

Charles R Graham

Nancy E Graham

22 Mill Road

Lamoine, Maine 04605

Town of Lamoine

Appeals Board

606 Douglas Highway

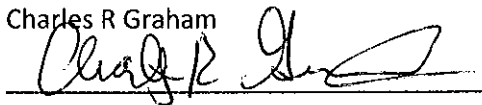
Lamoine, Maine 04605

To Whom it may concern:

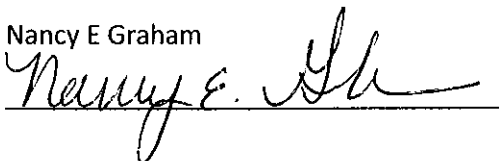
It has come to our attention that Tim and Amanda Frost are planning to build a garage and apartment on their property at the intersection of the Mill Road and Lamoine Beach Road. This letter is to inform you that as a neighboring property we have no issues at all with the Frost's plans and are happy to see the addition to their property.

Respectfully,

Charles R Graham

 4/5/2017

Nancy E Graham

 4/5/2017

I/We, as direct neighbors to the Frost Family Home belonging to Tim & Amanda Frost, at 90 Lamoine Beach Rd, have seen the proposed plans for an addition. I/We do not have any grievances with this.

Please accept this signature as consent for this project to move forward as proposed. -Thank you

Holly Benson
Signature

14 Mill Rd Lamoine
Address

Harold A. Baptista Jr
Signature

122 LAMOINE PK RD
Address

Harry James
Signature

97 Lamoine Beach Rd
Address

Shawn M. Smyth
Signature

87 Lamoine Beach Rd
Address



For you. For your family.
For our community.

Penobscot Community Health Center

1012 Union Street, Suite 1 PO Box 439 Bangor, ME 04401
(207) 404-8100 Fax: (207) 990-1248

03/16/2017

To Whom It May Concern:

RE: Debra Clayton and Donald Clayton
DOB: 09/17/1956

Debra and Donald Clayton are patients for many years in my practice. They both have chronic health issues, and would benefit from being close to their daughter as they get older. Their daughter and her husband are willing to build on at their property to accommodate Debra and Don, which would be very beneficial as the Claytons age, and their health needs become greater. I am very supportive of this plan, and hope it will be possible.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barbara Vereault", followed by a long, horizontal flourish.

Barbara Vereault DO



Town of Lamoine
Construction Application

*DENIED
COMPLETELY*

This section to be completed by Code Enforcement Officer

Map 15 Lot 23 Zone _____ Shoreland Zone _____ Flood Zone _____

Fee Calculation _____ Date Received _____ Permit Number _____

☒ Building Permit ☐ Shoreland Permit ☐ Floodplain Hazard Permit

The undersigned applies for a construction permit for the uses indicated below. Said permit is to be considered on the basis of the information contained within this application. Any Federal, State or Local statutes, or regulations shall be applicable and their compliance necessary to obtain a permit. The permit will be issued to the owner of record or properly designated agent. Incomplete applications will NOT be processed.

Section I – Owner, Applicant & Contractor Information

Owner		Applicant	Contractor
Name	Tim + Amanda Frost	Owner	Owner
Mailing Address	90 Lamoine Beach Rd.		
City, St. Zip	Lamoine, ME 04405		
Home Phone	207-299-0154		
Work Phone	X		
Cell Phone	207-299-0154		
Email	afrosty8@gmail.com		

Tim Frost 479-5435

682

Section II – Lot Information

Existing Property Use Primary Residence Lot Size (acres or square feet) 1/- 1 acre

Physical Address of property (road name & number) 90 Lamoine Beach Rd.

Please Answer all questions below	Yes*	No	Facilities Info (check all that apply)
Are Current Uses non-conforming?		<input checked="" type="checkbox"/>	Well
Are State or Federal Permits Required?		<input checked="" type="checkbox"/>	Cold Spring Water Co Customer? <input checked="" type="checkbox"/>
Is State or Federal Funding provided?		<input checked="" type="checkbox"/>	Septic System Permit #
Is lot created by division from another Lot in the past 5 years?		<input checked="" type="checkbox"/>	Subdivision name & Lot #

*If yes, attach explanation to application

Section III – Proposed Construction Activity

(Check All That Apply, fill in dimensional information) *Provide RV, Mobile Home Information requested on Page 3

Residential Uses	#Stories	Sq. Ft.	Total Sq. Ft.	SSWD #	Int Plumb #	Accessory Uses	Sq Ft
<input checked="" type="checkbox"/> New Dwelling Unit	1	832	832			Garage/Shed/Barn	612
<input type="checkbox"/> Manufactured Home						Deck	
<input type="checkbox"/> Mobile Home*						Shore Access	
<input type="checkbox"/> Change of Use							
<input checked="" type="checkbox"/> Expansion	1	490	490				
<input type="checkbox"/> Recreational Vehicle*							

Other Activity: (Please describe in space below)

For Use by the Code Enforcement Officer Only

Application Number _____ Date Received _____

Fees Collected: Building Permit \$ _____
 SZO Permit \$ _____
 Flood Hazard \$ _____
 Total \$ _____ Receipt # _____

Action Taken: Rich Hallegas 5-24-2017
 Signature Date

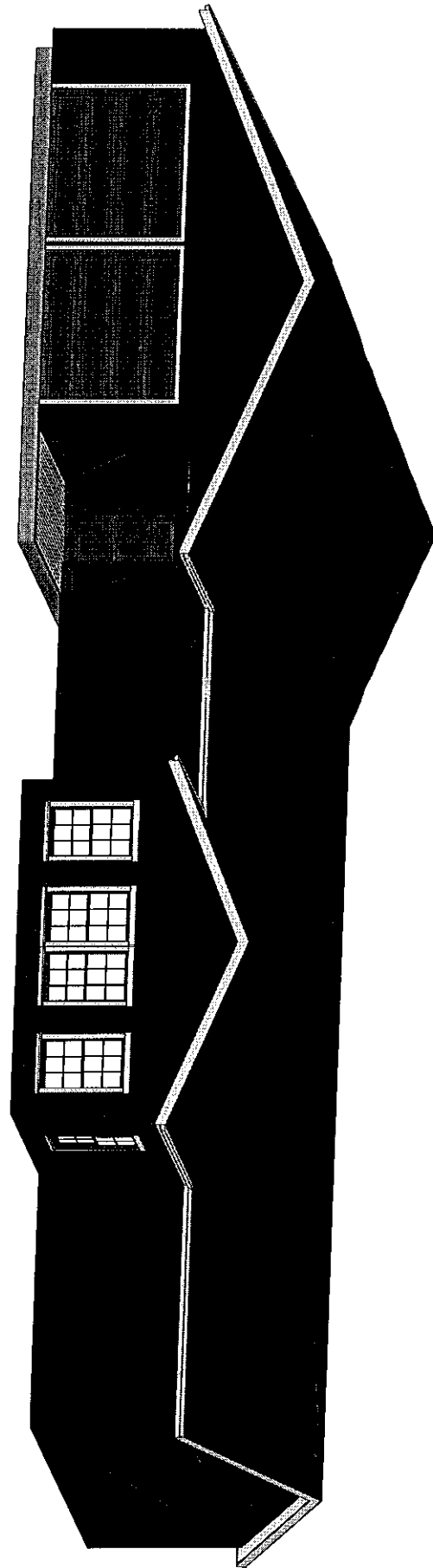
- ☐ Approved Building Permit SSWD Permit # _____
☐ Approved Shoreland Permit DEP Permit # _____
☐ Approved Flood Hazard Permit Internal Plumbing Permit # _____
☒ Denied Permits (explain below) Other Permits (List)
☐ Routed to Planning Board
☐ Routed to Appeals Board

Comments

*Set back to close to the road. (Mill Rd.)
 need a minimum of 75' to the center of Mill Rd.*

Town of Lamoine Building and Land Use Ordinance Part I, 2

Planning Board Action	Appeals Board Action
Date Received _____	Date Received _____
Public Hearing Date _____	Public Hearing Date _____
Notices Mailed by: _____	Notices Mailed by: _____
Action Date: _____	Action Date: _____
Action Taken <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Action Taken <input type="checkbox"/> Approved <input type="checkbox"/> Denied
Denial Reasons or Conditions 	Denial Reasons or Conditions
_____, Chair/Secretary Signature	_____, Chair/Secretary Signature



Google Maps 90 Lamoine Beach Rd



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